

## REMARKS

Favorable consideration and allowance of the claims of the present application are respectfully requested.

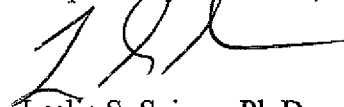
In the present Official Action, Claims 1, 3 - 5, 7, 9, 10, and 41 - 51 which are present in the above-captioned application, have been subjected to a species restriction under 35 U.S.C. §121 as follows:

- I. Species I, semiconductor IC structure with a metal resistor directly on and above etch stop layer (Claims 1, 3 - 5, 7, 9, 10 and 41);
- II. Species II, semiconductor IC structure with a metal resistor directly on and above planarized dielectric material (Claims 42 - 46); and
- III. Species III, semiconductor IC structure with a metal resistor directly on and above shallow trench isolation region (Claims 47 - 51).

As indicated, and in order to be fully responsive to the restriction requirement imposed in the present Official Action, applicants provisionally elect, without traverse, to prosecute the subject matter of Species I, i.e., Claims 1, 3 - 5, 7, 9, 10 and 41, and reserve the right to file one or more divisional applications directed to the non-elected species in this application, i.e., Claims 42 - 51. Presently no claim is generic which links the different species together.

Wherefore, consideration and allowance of the claims of the present application are respectfully requested.

Respectfully submitted,

  
Leslie S. Szivos, Ph.D.  
Registration No. 39,394

Scully, Scott, Murphy & Presser, P.C.  
**Customer No.: 23389**  
LSS:BP:av